



PLANNING DIRECTOR'S HEARING AGENDA

Wednesday, May 14, 2008

**9:00 a.m.
Wing Room, W118
City Hall**

**200 East Santa Clara Street
San José, California 95113-1905**

Hearing Officers

Jean Hamilton, AICP, Principal Planner

Susan Walton, Principal Planner

**Joseph Horwedel, Director
Planning, Building, and Code Enforcement**

NOTE

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 535-7800 (VOICE), 294-9337 (TTY) at least two days, (48 hours) before the meeting. If you requested such an accommodation and have not already identified yourself to the technician seated at the staff table, please do so now. If you did not call in advance and do now need assistance, please see the technician.

NOTICE TO THE PUBLIC

Good morning, this is the Planning Director's Hearing of **May 14, 2008**. My name is _____ and I am the Hearing Officer for today's agenda. On behalf of the Planning Director, I would like to welcome you to this Public Hearing. Please remember to turn off all cell phones and pagers. A copy of the agenda is available on the table by the door for your convenience. A validation machine is available up the stairs at the rear of these chambers for parking tickets for the garage underneath City Hall.

The procedure for this hearing is as follows:

- I will identify the project as described on the agenda
- Staff will provide a brief report
- After the staff report, applicant and/or representative will have up to 5 minutes to speak and should make themselves known as their item comes up by approaching the microphone and identifying themselves and stating their home address, or just wave from the audience if you do not wish to speak
- Public testimony of up to 2 minutes, either for or against the project. Please state name and home address for the record
- After the public testimony, the applicant may make closing remarks of up to 5 minutes
- The public hearing will then be closed and I will take action on the item. The Hearing Officer may request staff to respond to the public testimony, ask staff questions, and discuss the item

If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.

The Planning Director's action on these agenda items is final when the permit is signed and mailed, unless the permit is appealed. The Planning Director's actions are appealable in accordance with the requirements of Title 20 of the Municipal Zoning Code.

Note: If you have any agenda changes, please contact Maria Rodriguez (maria.rodriguez@sanjoseca.gov).

AGENDA
ORDER OF BUSINESS

1. DEFERRALS

Any item scheduled for hearing this morning for which deferral is being requested will be taken out of order, to be heard first on the matter of deferral. A list of staff recommended deferrals is available on the table. I will identify the items to be deferred and then ask for comments from the audience. If you want to change any of the deferral dates recommended or speak to the question of deferring these or any other items, you should say so at this time. I will now open the public hearing. The following items are proposed to be deferred.

The matter of deferrals is now closed.

2. CONSENT CALENDAR

NOTICE TO THE PUBLIC

The consent calendar items are considered to be routine and will be considered together. There will be no separate discussion of these items unless a request is made by the staff, or the public to have an item removed from the consent calendar and considered separately.

- a. **H07-015**. Site Development Permit to demolish four existing buildings and construct an approximately 17,000 square foot industrial building on a 1.4 gross acre site in the LI Light and HI Heavy Industrial Zoning Districts, located on the southeast corner of McEvoy Street and Park Avenue. (226 MCEVOY ST) (Autumn LLC, Owner). Council District 6. SNI: Burbank/Del Monte. CEQA: Exempt.
Project Manager, Chris Burton
- b. **PDA78-076-01**. Tree Removal Permit to remove one (1) Eucalyptus tree approximately 89 inches in circumference and one (1) Pine tree 51 inches in circumference from the common area of a townhouse development in the R-2(PD) Planned Development Zoning District, located on the south side of Willow Street, approximately 350 feet east of Spencer Avenue (1113 PREVOST CT) (Acronico Peter G And Scott Tracy C, Owner). Council District 6. CEQA: Exempt.
Project Manager, Misty Mersich
- c. **PDA79-077-01**. Planned Development Permit Amendment to allow the removal of two Alder trees, (approximately 61 and 75 inches in circumference) and one Redwood tree (approximately 56 inches in circumference), from the common area of an existing multi-family residential complex on a 17 gross acre site, located at 1055 North Capitol Avenue (UNC Management (Ms. Susan Gilmore), Owner). Council District 4. CEQA: Exempt.
Project Manager, Suparna Saha

- d. **PDA82-032-01**. Tree removal permit to legalize the unpermitted removal of two palm trees and two trees of heaven near the front and side property lines, previously removed without the benefit of permits on a 1.82 gross acre site in the A(PD) Planned Development Zoning District, located on the north side of Lenzen Avenue, approximately 750 feet easterly of The Alameda (893 Lenzen Avenue) (The Housing Authority of the County of Santa Clara, Owner). Council District 6. CEQA: Exempt.
Project Manager, Reena Mathew
- e. **PDA85-024-01**. Planned Development Permit Amendment to remove a total of 21 live trees including: 12 Sycamore trees, two Ash trees, six Alder trees and one pepper tree located in a single-family attached residential complex in the A(PD) Planned Development Zoning District, located on the southwest corner of Spring Hill Way and Calcaterra Drive (1331 COPPER PEAK LN) (Beato-Day Pamela A And Day Brian H, Owner). Council District 10. CEQA: Exempt.
Project Manager, Misty Mersich
- f. **SF08-006**. Single-Family House Permit (Category 2) to allow construction of one three-story, single-family residence containing 3,620 square feet in the R-M Multiple Residence Zoning District, located on the north side of Wabash Street, 320 feet westerly of Essex Street (Ortiz Jose F And Luz, Owner). Council District 4. SNI: None. CEQA: Exempt.
Project Manager, Misty Mersich
- g. **SP08-010**. Special Use Permit to demolish and replace a detached two-car garage for a single-family residence on a 0.16-acre site in the Hanchett and Hester Park Conservation Area. The project site at 1187 Mariposa Avenue is in the R-2 Two-Family Residence Zoning District. Gary and Elizabeth Archer, owners/applicants. Council District: 6. SNI Area: None. CEQA: Exempt.
Permit Coordinator, Darren McBain
- h. **SP08-021**. Special Use Permit to allow a photovoltaic testing and certification laboratory on 2.68 gross acre site in the IP Industrial Park Zoning District, located on the southwest corner of Zanker Rd and Charcot Ave. (2191 ZANKER RD) (Silicon Valley Ca I Llc, Owner). Council District 4. SNI: None. CEQA: Exempt.
Project Manager, Chris Burton
- i. **SP08-022**. Special Use Permit to allow a medium manufacturing use, along with a 360 sq. ft building addition and installation of an 8000 Gallon Nitrogen tank on a 27.5 gross acre site in the IP Industrial Park Zoning District, located on the east side of Hellyer Avenue, opposite Embedded Way (5550 HELLYER AV). Council District 2. SNI: None. CEQA: Exempt.
Project Manager, Chris Burton
- j. **SP08-023**. Special Use Permit to allow a common carrier/common carrier depot (tow yard) with incidental lien sales on a 1.45 acre site in the HI Heavy Industrial Zoning District, located at the southeasterly terminus of Kings Row (696 KINGS ROW) (Wayne A Gianotti, Trustee, Owner). Council District 4. SNI: None. CEQA: Exempt.
Project Manager, Christopher Burton

- k. **TR08-093**. Tree Removal Permit to remove one live Palm tree, approximately 165 inches in circumference, from the front yard of a single-family detached residence in the R-1-5 Single-Family Residence Zoning District, located at 6069 Burchell Avenue (Lee Teresa And Robert, Owner). Council District 10. CEQA: Exempt.
Project Manager, Misty Mersich
- l. **TR08-104**. Tree Removal Permit to remove one Podocarpus macrophyllus tree approximately 91 inches in circumference from the side yard of an existing single-family detached residence in the R-1-8 Single-Family Residence Zoning District, located at 6569 Radko Drive (Evans Gary N And Georgette L Trustee, Owner). Council District 2. CEQA: Exempt.
Project Manager, Misty Mersich
- m. **HA68-373-01**. Tree removal permit for an Italian Stone Pine tree of approximately 68 inches in circumference for a property located in the R-2 Two-Family Residence Zoning District, located on the north side of El Lisa Drive, approximately 550 feet west of Hillview Avenue (921 EL LISA DRIVE) (Salvatore M And Angelita O Vicari Trustee, Owner). Council District 10. CEQA: Exempt.
Project Manager, Bill Roth
- n. **TR08-097**. Tree Removal Permit to allow the removal of one Eucalyptus tree, measuring 69-inches in circumference, from the rear yard of an existing single-family detached residential lot in the R-1-8 Single-Family Residence Zoning District, located at the 2140 Trimble Court (2140 TRIMBLE CT) (Peter F And Barbara A Teehan Et Al, Owner). Council District 4. CEQA: Exempt.
Project Manager, Bill Roth
- o. **TR08-106**. Live Tree Removal Permit for the removal of one avocado tree of 64 inches in circumference, from the front yard of a single family detached residence located in the R-1-8 Zoning District at 1345 Whitehurst Court (1345 WHITEHURST CT). (Dawn C Duncan Trustee & Et Al, Owner). Council District 6. CEQA: Exempt.
Project Manager, Bill Roth
- p. **SP07-076**. Special Use Permit to allow a 2,539 square foot addition to an existing residence and conversion to a live/work unit on a 0.22 gross acre site in the CN Neighborhood Commercial Zoning District, located on the west side of Park Avenue, approximately 250 feet southerly of University Avenue (1819 PARK AV) (Mahmoodvandi Mehdi, Owner). Council District 6. SNI: None. CEQA: Exempt.
Project Manager, Bill Roth
- q. **H07-042**. Site Development permit to allow construction of 2 single-family attached residential units on a 0.14 gross acre site in the R-M Multiple Residence Zoning District, located on the north side of Grand Boulevard, approximately 380 feet west of Essex Ave (Faisel Rehman, Owner). Council District: 4. SNI: None. CEQA: Exempt.
Project Manager, Licinia McMorro
- r. **PDA70-034-01**. Planned Development Permit Amendment to allow tree removal for 21 live, ordinance sized trees and 2 dead ordinance sized trees from the common area of a multi-family lot in the A(PD) Planned Development Zoning District, bounded by Hyde Avenue (Regency Park Townhouse) (Regency Park Townhouse Association Blake Freeman, Owner). Council District 1. CEQA: Exempt.
Deferred from 5/07/2008.
Project Manager, Martina Davis

The consent calendar is now closed.

3. PUBLIC HEARING

- a. The project site is located on the approximately 1.8 gross acre block in the DC Downtown Primary Commercial Zoning District bound by St. James Street, North 1st Street, North 2nd Street, and Devine Street (252 N. 1st St.) (Redevelopment Agency of City of San Jose, Owner; Barry Swenson Builder & Green Valley Corp., Developer). Council District 3. SNI: None. CEQA: Park View Towers SEIR . The projects being considered are as follows:
- 1) **H05-029**. Site Development Permit to demolish the two adjacent structures at the northeast corner of N. 1st and St. James Streets and to construct up to 194 single-family attached residences (3 of which are live/work units) and approximately 14,000 square feet of ground floor commercial uses in two high-rise towers (~153 feet tall along N. 1st St. and ~198 feet tall along Devine St.)
Deferred from 05/07/2008.
Project Manager, Lee Butler
 - 2) **HP05-002**. Historic Preservation Permit (1) to allow demolition of the Letcher's Garage (Oasis) building, listed as a National Register Historic Site/Structure and as a Contributing Structure to the St. James Square City Landmark District, at the northeast corner of N. 1st and St. James Streets and (2) to allow construction within the same City Landmark District per the project described above with file number H05-029.
Deferred from 05/07/2008.
Project Manager, Lee Butler
 - 3) **HP05-003**. Historic Preservation Permit to allow the rehabilitation of the First Church of Christ Scientist (located on the north side of St. James Street, centered between N. 1st & 2nd Streets), including exterior modifications and structural upgrades, to the structure listed as a National Register Historic Site/Structure and as a Contributing Structure to the St. James Square City Landmark District.
Deferred from 05/07/2008.
Project Manager, Lee Butler

This concludes the Planning Director's Hearing for May 14, 2008. Thank you.

PLANNING DIRECTOR'S AGENDA ON THE WEB:

<http://www.sanjoseca.gov/planning/hearings/default.asp>

PUBLIC INFORMATION COUNTER

(408) 535-7800 CITY OF SAN JOSÉ

CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, Redevelopment Agency Board, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

1. Public Meeting Decorum:

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

2. Signs, Objects or Symbolic Material:

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions:
 - No objects will be larger than 2 feet by 3 feet.
 - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
 - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

**CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D)**

3. Addressing the Council, Redevelopment Agency Board, Committee, Board or Commission:
- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
 - b) Meeting attendees are usually given two (2) minutes to speak on any agenda item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
 - c) Speakers should discuss topics related to City business on the agenda, unless they are speaking during open forum.
 - d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
 - e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
 - f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
 - g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.